

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: PHARMACEUTICAL)	MDL No. 1456
INDUSTRY AVERAGE WHOLESALE)	Master Docket 01-cv-12257
PRICE LITIGATION)	
)	
)	Subcategory 06-11337
THIS DOCUMENT RELATES TO:)	Civil Action No. 08-cv-10852
)	
<i>United States of America Ex Rel.</i>)	
<i>Ven-A-Care of the Florida Keys, Inc.</i>)	
<i>a Florida Corporation, by and through</i>)	
<i>its principal officers and directors,</i>)	
<i>ZACHARY T. BENTLEY and T. MARK</i>)	
<i>JONES, vs. Actavis Mid Atlantic LLC,</i>)	
<i>et al.</i>)	
)	
<i>United States of America Ex Rel.</i>)	Civil Action No. 10-cv-11186
<i>Ven-A-Care of the Florida Keys</i>)	
<i>vs. Baxter Healthcare Corporation and</i>)	Judge Patti B. Saris
<i>Baxter International Inc.</i>)	

STATUS REPORT MAY 1, 2011

Pursuant to the Court's June 17, 2004 Procedural Order, the undersigned counsel for plaintiff and relator Ven-A-Care of the Florida Keys, Inc., hereby submits the following status report to the Court listing the status of all motions to date.

Respectfully submitted,

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**ATTORNEYS FOR VEN-A-CARE OF THE
 FLORIDA KEYS, INC.**

MDL 1456 Status Report
USA *ex rel.* Ven-A-Care v. Actavis, *et al.*
Case No. 08-cv-10852

Pending Motions

DKT No.	Date Filed	Pending Motion
138	03/31/11	Motion for Protective Order Concerning Notices of Deposition and Subpoena Duces Tecum by Relator, Ven-A-Care of the Florida Keys, Inc.
141	04/05/11	Motion for Protective Order Precluding Deposition of John LaRocca by Defendants Actavis Mid Atlantic, LLC, Alpharma USPD, Inc., Alpharma, Inc., and Barre Parent Corp.
146	04/08/11	Motion for Protective Order Concerning Notices of Deposition to First DataBank and Thomson Reuters by Relator, Ven-A-Care of the Florida Keys, Inc.
148	04/11/11	Motion for Protective Order for Depositions of Terri Nataline and Mark Palmisano by Defendants Actavis Mid Atlantic, LLC, Alpharma USPD, Inc., Alpharma, Inc., and Barre Parent Corp.
150	04/12/11	Motion for Leave to File Amended Memorandum of Law in Support of Motion for Protective Order Precluding Deposition of John LaRocca by Defendants Actavis Mid Atlantic, LLC, Alpharma USPD, Inc., Alpharma, Inc., and Barre Parent Corp.

DKT No.	Date Filed	Pending Motion
151	04/12/11	Motion for Protective Order Concerning Three Third-Party Subpoenas by Relator, Ven-A-Care of the Florida Keys, Inc.
152	04/13/11	Motion for Protective Order Precluding the Rule 30(b)(6) Deposition of Actavis Defendants by Defendants Actavis Mid Atlantic, LLC, Alpharma USPD, Inc., Alpharma, Inc. and Barre Parent Corp.
160	04/25/11	Motion for Leave to File Reply Memorandum of Law in Support of Motion for Protective Order Prohibiting Deposition of John LaRocca by Defendants Actavis Mid Atlantic, LLC, Alpharma USPD, Inc., Alpharma, Inc., and Barre Parent Corp.

Discovery

Case Management Order No. 32 was signed on February 25, 2010 [DKT #6926]. The parties have exchanged their Rule 26 disclosures and have commenced discovery pursuant to the Case Management Order.

On March 28, 2011, the Court granted the parties' Joint Request for A Status Conference at the Court's Earliest Convenience [DKT #7481], and a status conference is set for May 24, 2011 at 2:30 p.m.

On March 30, 2011, the Court granted the Agreed Motion for Extension of Discovery Deadline set forth in CMO No. 32, extending the fact discovery deadline for a period of 60 days as it pertains to certain depositions described in the Order [DKT #137].

On April 12, 2011, the Court entered an electronic Order referring to Magistrate Judge Marianne B. Bowler for disposition the Motions that are Docket Nos. 138, 141, 146, 148 and 150.

On April 26, 2011, the Court set a hearing for May 26, 2011 at 2:30 p.m. on the pending Motions that are Docket Nos. 138, 141, 146 and 148.

MDL 1456 Status Report
USA *ex rel.* Ven-A-Care v. Baxter, et al.
Case No. 10-cv-11186

Pending Motions

None.

The Court entered a Scheduling Order on March 22, 2011 [DKT #7482 in Case No. 01-cv-12257], and all deadlines are stayed through the mediation period ending June 24, 2011.

MDL No. 1456 Status Report
Master Docket 01-cv-12257

On April 18, 2011, the Court entered an Order of Dismissal with Prejudice of Certain Claims Against Defendants Mylan Inc. (f/k/a Mylan Laboratories Inc.), Mylan Pharmaceuticals Inc. and UDL Laboratories, Inc. [DKT #7508]

CERTIFICATE OF SERVICE

I hereby certify that I, Rand J. Riklin, caused a true and correct copy of the foregoing Status Report to be served on all counsel of record electronically on April 29, 2011, pursuant to Paragraph 11 of Case Management Order No. 2, by sending a copy to LEXIS File & Serve electronic filing service.

Respectfully submitted,

By: /s/ Rand J. Riklin
Rand J. Riklin
John E. Clark

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